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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/949,999	09/12/2001	Masashi Kanai	4468-024	9123
7590	08/06/2004			EXAMINER
LOWE HAUPTMAN GILMAN & BERNER, LLP			PRIZIO JR, PETER	
Suite 310			ART UNIT	PAPER NUMBER
1700 Diagonal Road				2674
Alexandria, VA 22314			DATE MAILED: 08/06/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/949,999	KANAI, MASASHI
Examiner	Art Unit	
Peter Prizio	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 May 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to the amendment filed on 3 May 2004.

### ***Claim Status***

2. Claims 1 – 40 pending.
3. Claims 1 – 40 rejected.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 40** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,480,202 to Deguchi et al. (Deguchi).

6. With regards to claims 1, 2, 12, 13, 15, 24, 34, Deguchi (Fig. 8) teaches measuring tone reproduction characteristics (TRCs, column 8, lines 62+) in a dark surround (“no ambient light”, column 8, line 63) and in an illuminated surround (“where ambient light exists”, column 8, lines 65 – 66) under a predetermined luminance value

(101), characteristic approximating for approximating the TRC in an illuminated surround to the TRC in a dark surround (for example, column 8, line 40 – column 9, line 2), and correcting curve generating (generates curve c from curve a and curve b, reference figs 11a – 11c) in a desired input tone range (“XYZcrt values”, column 8, lines 21 – 30 and further, column 2, lines 48 – 53), storing means for storing a plurality of correction curves in a computer readable medium (104), wherein the tone reproduction characteristics are influenced by an external illumination (101 and column 6, lines 57 – 64).

7. Regarding claims 3 - 11, as applied to claim 2 above, Deguchi teaches plural correction curves (column 9, lines 3 – 7 and further, column 23, lines 9 - 13), an input tone range comprising a middle tone range (for example, column 13, lines 7 – 15 where the middle tone range is the calculated  $X_r$ ,  $Y_r$ ,  $Z_r$ ), normalizing the tone reproduction curves (column 9, lines 29 – 30), rounding and approximating correction curves where the amount of rounding and approximating is adjustable (column 2, lines 42 – 56 where interpolation is the estimation or approximation of values on a curve located between two points on a curve), a selecting step of selecting one of plural correction curves (column 24, line 27 - 34), an inputting step of inputting the luminance value of external illumination (Fig. 4, 101-2 input into 100-2 where the image processing section 100-2 is the image processing section described with respect to Fig. 16) and a measuring step of measuring the luminance value (Fig. 4, 101-2).

8. Regarding claims 14, 17-23, as applied to claim 12 above, Deguchi teaches plural correction curves (column 9, lines 3 – 7 and further, column 23, lines 9 - 13),

normalizing (column 9, lines 29 – 30), rounding and approximating correction curves where the amount of rounding and approximating is adjustable (column 2, lines 42 – 56 where interpolation is the estimation or approximation of values on a curve located between two points on a curve), a selecting step of selecting one of plural correction curves (column 24, line 27 - 34), an inputting step of inputting the luminance value (Fig. 4, 101-2 input into 100-2 where the image processing section 100-2 is the image processing section described with respect to Fig. 16) and a measuring step of measuring the luminance value (Fig. 4, 101-2).

9. Regarding claim 16, as applied to claim 12 above Deguchi teaches an input tone range comprising a middle tone range (for example, column 13, lines 7 – 15 where the middle tone range is the calculated  $X_r, Y_r, Z_r$ ).

10. Regarding claims 25 - 33, as applied to claim 24 above, Deguchi teaches plural correction curves (column 9, lines 3 – 7 and further, column 23, lines 9 - 13), an input tone range comprising a middle tone range (for example, column 13, lines 7 – 15 where the middle tone range is the calculated  $X_r, Y_r, Z_r$ ), normalizing (column 9, lines 29 – 30), rounding and approximating correction curves where the amount of rounding and approximating is adjustable (column 2, lines 42 – 56 where interpolation is the estimation or approximation of values on a curve located between two points on a curve), a selecting step of selecting one of plural correction curves (column 24, line 27 - 34), an inputting step of inputting the luminance value (Fig. 4, 101-2 input into 100-2 where the image processing section 100-2 is the image processing section described

with respect to Fig. 16), and a measuring step of measuring the luminance value (Fig. 4, 101-2).

11. Regarding claims 35-40, as applied to claim 34 above, Deguchi teaches plural correction curves (column 9, lines 3 – 7 and further, column 23, lines 9 - 13), an input tone range comprising a middle tone range (for example, column 13, lines 7 – 15 where the middle tone range is the calculated  $X_r$ ,  $Y_r$ ,  $Z_r$ ), normalizing (column 9, lines 29 – 30), rounding and approximating correction curves where the amount of rounding and approximating is adjustable (column 2, lines 42 – 56 where interpolation is the estimation or approximation of values on a curve located between two points on a curve).

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent is included to further show automatic color calibration:

US Patent 6,459,425 to Holub et al.

#### ***Response to Arguments***

13. Applicant's arguments, see amendment, filed 03 May 2004, with respect to the rejection(s) of claim(s) 1 – 40 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Deguchi.

14. The objection to claim 16 has been withdrawn.
15. The rejections under 35 U.S.C. 112, second paragraph of claims 4, 16, 26, and 36 have been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (703) 305-5712. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Prizio  
Examiner  
Art Unit 2674  
July 12, 2004

Prizio

PP

  
RICHARD HJERPE 8/5/04  
SUPERVISORY PATENT EXAMINER  
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